IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.21776 of 2004

Between:

Khaja Moinuddin, S/o Mohd. Ameen,
Sawaran Street of Karimnagar.

..... PETITIONER

AND

Municipal Council, rep. by its Commissioner,
Karimnagar Municipality, Karimnagar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondent in proposing to lay the road without issuing any notice or following the due process of law in the open plot belonging to the petitioner admeasuring 407 Sq. Yds in Survey No.968 situated at Mominpura locality, Rampur area of Karimnagar District as arbitrary and illegal.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondent: MR. R. THIMMA REDDY

The Court at the stage of admission made the following:

ORDER:

The petitioner claims to be owner and possessor of land measuring 407 square yards in survey No. 968 having purchased the same under a registered sale deed dt 28-11-1997. The complaint of the petitioner is that without issuing any notice and without following due procedure prescribed under law, the respondents had dumped certain construction material for laying the road through his open plot. It is also alleged that there was no sanction for laying of the road and the same is being done at the instigation of local councilor.

Heard the learned counsel for petitioner and learned Standing Council for respondent Mr.Thimma Reddy. Both the counsel agreed for disposal of the writ petition at the admission stage.

Since the petitioner alleges that without following the procedure prescribed under Land Acquisition Act, the respondent is proceeding with laying of the load through his private property, I deem it appropriate to dispose of the writ petition, with the following direction.

If the respondent/Municipal council intends to acquire the subject land belonging to the petitioner for public purpose of laying the road, the Municipal council is directed to follow the due procedure prescribed under the Land Acquisition Act, before laying the road in question. It is made clear that if the subject land is a Government land or if the respondent has already followed the due procedure under law for acquiring the land of the petitioner, the Municipal Council is at liberty to proceed further in the matter.

Accordingly, the writ petition is disposed of at the stage of admission.

_____

N.V.RAMANA,J

29-11-2004

TVK/NSR

To

1..The Commissioner,

Municipal Council,
Karimnagar Municipality,

Karimnagar.

2. 2 CD copies.

THE HON'BLE MR JUSTICE N.V. RAMANA

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION NO.21776 of 2004

Date: 29-11-2004